

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, and GEORGE P. BUSH, in his official capacity as Commissioner of the Texas General Land Office,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY; and ALEJANDRO MAYORKAS, in his official capacity as Secretary of the Department of Homeland Security,

Defendants.

No. 7:21-cv-00272

THE STATE OF MISSOURI; THE STATE OF TEXAS,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as President of the United States, *et al.*

Defendants.

No. 7:21-cv-00420
(formerly No. 6:21-cv-00052)

JOINT MOTION FOR SCHEDULING ORDER

In accordance with the Court's instructions during the status conference held on August 16, 2023, the parties respectfully submit the following joint proposed schedule for further proceedings in the above-captioned cases.

The parties have recently conferred and agree that the most appropriate way forward is to resolve the motion for preliminary injunction filed by Texas and Missouri, and joined by the Texas

General Land Office. Plaintiffs read the Fifth Circuit’s remand instructions for this Court to consider the preliminary injunction, while the Court of Appeals retains jurisdiction, as constraining the parties’ actions. *See General Land Office v. Biden*, 71 F.4th 264, 275 (5th Cir. 2023). To exceed the scope of such a limited remand would likely require further motions and orders by the Fifth Circuit, which would further delay proceedings. As a result, Plaintiffs believe the most expeditious route that comports with those instructions is to file supplemental briefing on relevant updates to the case. Defendants agree with Plaintiffs’ suggested approach.

To facilitate prompt resolution of the motion for preliminary injunction, the parties propose permitting the federal Defendants to file a supplemental brief on or before August 18, 2023. GLO and the States will file their supplemental response brief on or before September 15, 2023.

As the Court requested during the status conference, the federal Defendants will separately file a report concerning the timeline as to the appropriations process at issue in these cases on or before August 25, 2023.

A proposed order setting forth the parties’ proposed schedule is attached.

Date: August 18, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, I electronically filed a copy of the foregoing joint motion. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Andrew I. Warden

ANDREW I. WARDEN